

ESTTA Tracking number: **ESTTA251978**

Filing date: **12/01/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048118
Party	Plaintiff Jack Richeson & Co., Inc.
Correspondence Address	Paul W. Kruse Bone McAllester Norton PLLC 511 Union Street, Suite 1600 Nashville, TN 37219 UNITED STATES trademarks@bonelaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Paul W. Kruse
Filer's e-mail	trademarks@bonelaw.com
Signature	/Paul W. Kruse/
Date	12/01/2008
Attachments	File Copy - Amended Petition to Cancel (00332545).PDF (50 pages)(8444133 bytes)

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <http://estta.uspto.gov>, on the date shown below:

Date: December 1, 2008

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Amendment to pleadings in trademark cancellation proceedings are governed by Fed. R. Civ. P. 15. In interpreting the provision of Fed. R. Civ. P. 15 that leave to amend a pleading “shall be freely granted when justice so requires,” the Supreme Court noted in *Foman v. David*:

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claims on the merits. In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. – the leave sought should, as the rules require, be “freely given”.

Foman v. David, 371 U.S. 178, 182 (1962).

The Board, consistent therewith, has recognized that “amendments to pleadings should be allowed with great liberality at any stage of the proceeding where necessary to bring about a furtherance of justice unless it is shown that entry of the amendment would violate settled law or be prejudicial to the rights of any opposing parties.” *American Optical Corp. v. American Olean Tile Co., Inc.*, 168 USPQ 471, 473 (TTAB 1971). Thus, Petitioner should be allowed to amend its Petition to Cancel since such amendment (i) is necessary to bring about a furtherance of justice, (ii) would not violate any settled law, and (iii) would not prejudice Registrant in any way.

WHEREFORE, Petitioner respectfully requests that its Petition to Cancel dated September 17, 2007, be amended in the manner set forth in the Amended Petition to Cancel annexed hereto.

Please direct all communications to the undersigned at (615) 238-6300 or trademarks@bonelaw.com.

Jack Richeson & Co., Inc.

By:  _____

Name: Paul W. Kruse & Anne C. Martin

Title: Attorneys

Date: December 1, 2008

Submitted by:

Bone McAllester Norton PLLC
511 Union Street
Suite 1600
Nashville, Tennessee 37219

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on Registrant's attorney, Cheryl Meide with an address at Meide Law Firm, P.A., Corners at Deerwood 7545 Centurion Parkway, Suite 201, Jacksonville, Florida 32256, via first class mail, postage prepaid, today December 1, 2008.

By:  _____

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESI/TA system located at <http://esita.uspto.gov>, on the date shown below:

Date: December 1, 2008

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{00330634.1}

1. This proceeding was commenced by Petitioner seeking cancellation of Reg. No. 2,619,642 for the TRIDENT & Design mark for all the goods set forth in the application that matured into Reg. No. 2,619,642 (hereinafter the "Application"). A copy of the Petition to Cancel dated September 17, 2007 is submitted herewith as Exhibit A and incorporated herein by reference.

Fraud in the Application Signed on June 19, 2000

Petitioner realleges and reiterates Paragraph 1 hereof and further asserts:

2. The Application includes Registrant's declaration under oath that it owned and used the TRIDENT & Design mark for all the goods set forth in the Application at the time the Application was filed and as early as March 1, 1988. A copy of the application is submitted herewith as Exhibit B. These declarations were false when they were made and Registrant knew of their falsity.

3. Registrant was a U.S. distributor of Trident S/A until at least March 2003.

4. Trident S/A is the original owner of the TRIDENT & Design mark and Petitioner's predecessor-in-interest in the United States.

5. Trident S/A has been issued registrations for the TRIDENT & Design mark in a number of countries other than the United States including Brazil, Venezuela and Uruguay. Information about these international registrations is submitted herewith as Exhibit C.

6. Registrant was a U.S. distributor of Trident S/A at the time the Application was filed and as early as March 1, 1988.

7. During Trident S/A's and Registrant's distributor relationship, Trident S/A manufactured and exported the following goods to Registrant to distribute in the United States:

Range poles, adjustable arm protractor, protractors, computer stands specifically designed for holding computer equipment,

machinist scales, proportion calculator, triangular scales, circular slide rule, pocket scales, graduated parallel ruler for marine charts, graduated wooden rulers, graduated professional ruler, graduated acrylic rulers, metric slide ruler for conversion, tolerance table ruler, angle iron level, metal professional pantograph, computer stands specifically designed for holding computer equipment, triangular scales, graduated acrylic rulers, artists' pens, easel pads, easels, wooden easels, drafting compasses, drafting curves, drafting instruments, drafting rulers, drafting squares, drafting templates, drafting trays, drafting triangles, drawing boards, drawing brushes, drawing compasses, drawing curves, drawing instruments, drawing rulers, drawing shields, drawing squares, drawing templates, drawing trays, drawing triangles, painting palettes, pens, technical pens and pencils, French curves, highway curves, adjustable triangles, templates for business forms and graphic art, T squares, parallel straightedge, white boards, drawing flexible curve ruler, drawing quick parallel glider, drawing stumps, portable sketch boards, stretched canvas, compasses, furniture, auxiliary cart for art supplies, metal display rolling stands for architectural drawings plans and maps, steel drafting tables, wooden drafting tables, wooden stools, wood for architectural drawings plans and maps, wooden taboret, wooden tops and melamine tops for use on top of drafting tables.

8. During Trident S/A's and Registrant's distributor relationship, Trident S/A manufactured but did not export or supply the following goods to Registrant to distribute in the United States:

Surveying apparatus, surveying chains, surveyor's levels, tripod for topography, telescoping leveling rods, folding wooden rods, air navigation, air navigation slide ruler, plotting rule for navigation, surveyor's levels and bevels.

9. During Trident S/A's and Registrant's distributor relationship, Trident S/A never manufactured and thus did not export or supply the following goods to Registrant to distribute in the United States:

Computer workstations comprised of a computer printer and accessories, data processors, computers, pastels, artists' brushes, canvas panels for artists, electrical wood burning pens, metals in foil and powder form for painters, decorators, and artists, painting sets for artists, art prints, art etchings, art mounts, art pads, art

paper, art pictures, arts and craft paint kits, aluminum easels, drawing pads, drawing paper, paint brushes, painting sets, painting sets for children, paintings, paints for arts and crafts, chalk boards, mounted canvas, printed instructional and teaching materials in the line of fine art painting, drawing pads, and measuring spoons and cups.

10. The goods set forth in Paragraphs 7, 8, and 9 comprise all the goods set forth in the Application at the time the Application was filed.

11. Trident S/A was Registrant's only manufacturing source for the goods Registrant distributed in the U.S. bearing the TRIDENT & Design mark at the time the Application was filed and as early as March 1, 1988.

12. At the time the declaration in the Application was signed on June 19, 2000 and at the time the Application was filed on June 28, 2000, Registrant was not using the Trident & Design mark in connection with:

Surveying apparatus, surveying chains, surveyor's levels, tripod for topography, telescoping leveling rods, folding wooden rods, air navigation, air navigation slide ruler, plotting rule for navigation, surveyor's levels and bevels; Computer workstations comprised of a computer printer and accessories, data processors, computers, pastels, artists' brushes, canvas panels for artists, electrical wood burning pens, metals in foil and powder form for painters, decorators, and artists, painting sets for artists, art prints, art etchings, art mounts, art pads, art paper, art pictures, arts and craft paint kits, aluminum easels, drawing pads, drawing paper, paint brushes, painting sets, painting sets for children, paintings, paints for arts and crafts, chalk boards, mounted canvas, printed instructional and teaching materials in the line of fine art painting, drawing pads, and measuring spoons and cups.

13. Registrant falsely declared in the Application that it signed on June 19, 2000, that it was using the TRIDENT & Design mark in commerce on or in connection with all the goods set forth therein.

14. Registrant knew that the declaration of use was false at the time it signed the Application and submitted it to the Office.

15. The specimens of use submitted to the Office with the Application included a cover of Trident S/A's 1999 catalogue.

16. Registrant's use of the TRIDENT & Design mark inured to the benefit of Trident S/A not Registrant. Therefore, any use of the TRIDENT & Design mark by Registrant was as a related company of Trident S/A and not as the owner of the mark. Such use cannot constitute "use in commerce" in support of the declaration of use submitted with the Application.

17. Registrant falsely declared under oath in the Application that it signed on June 19, 2000, that it owned the TRIDENT & Design mark set forth therein.

18. Registrant falsely declared under oath in the Application that it signed on June 19, 2000, that it was using the TRIDENT & Design mark in commerce on or in connection with all the goods set forth therein.

19. Registrant falsely declared under oath in the Application that it signed on June 19, 2000, that a specimen showing its use of the TRIDENT & Design mark in commerce was included therewith.

20. Registrant knew that the declaration of ownership was false at the time it signed the Application and submitted it to the United States Patent and Trademark Office (hereinafter the "Office").

21. Registrant knew that the declaration of use was false at the time it signed the Application and submitted it to the Office.

22. Registrant knew that the declaration that a specimen showing its use of the TRIDENT & Design mark in commerce was included with the Application was false at the time it signed the Application and submitted it to the Office.

23. Registrant intentionally made these false declarations in the Application with the intent to fraudulently induce the Office to act in reliance thereon.

24. Registrant made these false declarations in the hope of leading the Office to believe that Registrant was entitled to registration when in fact it was not. Registrant's hope was realized as its false declarations wrongfully induced the Office to approve the Application for publication and issue a registration, which action the Office would not have taken but for Registrant's fraudulent declarations.

25. By a post-registration amendment filed July 13, 2007, Registrant deleted the following goods from Reg. No. 2,619,642:

Surveying chains, surveyor's levels, tripod for topography, telescoping leveling rods, folding wooden rods, range poles, adjustable arm protractor, protractors, computer workstation comprising a computer printer and accessories, machinist scales, proportion calculator, computer for air navigation, circular slide rule, pocket scales, graduated parallel ruler for marine charts, graduated wooden rulers, graduated professional ruler, air navigation slide ruler, plotting rule for navigation, metric slide ruler for conversion, tolerance table ruler, angle iron level, metal professional pantograph, surveyor's levels, bevels, measuring spoons and cups; data processors; and computers in International Class No. 9;

Artist's brushes, artists' pastels, artist's pencils, artist's pens, canvas panels for artists, electrical wood burning artist's pens, metals in foil and powder for painters, decorators, and artists, painting sets for artists, art prints, art etchings, art mounts, art pads, art paper, art pictures, arts and craft paint kits, easels pads, aluminum easels, drafting curves, drafting squares, drafting templates, drafting trays, drawing brushes, drawing curves, drawing templates, drawing trays, drawing triangles, paint brushes, painting sets, French curves, highway curves, naval curves,

templates for business forms and graphic art, parallel straightedge, chalk boards, white boards, drawing quick parallel glider, drawing stumps, portable sketch boards, stretched and mounted canvas, printed instructional and teaching materials in the line of fine art painting in International Class No. 16; and

Metal display rolling stands for architectural drawing plans and maps in International Class No. 20.

26. The deletion of the goods set forth in Paragraph 23 cannot cure the fraud that was committed since the deleted goods were not in use at the time the Application was signed and filed.

Fraud in the Section 15 Declaration Signed on September 17, 2007

Petitioner realleges and reiterates Paragraphs 1 through 26 hereof and further asserts:

27. Registrant falsely declared under oath in the Section 15 Declaration that it signed on September 17, 2007, that it owned the TRIDENT & Design mark set forth therein. A copy of the Section 15 Declaration is submitted herewith as Exhibit D.

28. Registrant falsely declared under oath in the Section 15 Declaration that it signed on September 24, 2007, that it had continuously used the TRIDENT & Design mark set forth therein in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and was still using the mark in commerce on or in connection with:

Surveying, measuring, and teaching apparatus and instruments, namely, computer stands specifically designed for holding computer equipment, triangular scales, graduated acrylic rulers in International Class No. 9;

artists' materials, namely, easels, wooden easels, drafting compasses, drafting instruments, drafting rulers, drafting triangles, drawing boards, drawing compasses, drawing pads, drawing rulers, painting palettes, technical pens, adjustable triangles, T squares, drawing flexible curve ruler, compasses in International Class No. 16; and

Wooden taboret for architectural drawings plans and maps, furniture, auxiliary cart for art supplies, steel drafting tables, wooden drafting tables, wooden stools, wooden tops and melamine tops for use on top of drafting tables in International Class No. 20.

29. Registrant knew that the declaration of ownership was false at the time it signed the Section 15 Declaration and submitted it to the Office.

30. Registrant knew that the declaration that it had continuously used the TRIDENT & Design mark set forth therein in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and was still using the mark in commerce was false at the time it signed the Section 15 Declaration and submitted it to the Office.

31. Registrant intentionally made these false declarations in the Section 15 Declaration with the intent to fraudulently induce the Office to act in reliance thereon.

32. Registrant made these false declarations in the hope of leading the Office to believe that Reg. No. 2,619,642 was entitled to incontestability when in fact it was not. Registrant's hope was realized as its false declarations wrongfully induced the Office to acknowledge the Section 15 Declaration, which action the Office would not have taken but for Registrant's fraudulent declarations.

Fraud in the Section 8 Declaration Signed on September 24, 2007

Petitioner realleges and reiterates Paragraphs 1 through 32 hereof and further asserts:

33. Registrant falsely declared under oath in the Section 8 Declaration that it signed on September 24, 2007, that it owned the TRIDENT & Design mark set forth therein. A copy of the Section 8 Declaration is submitted herewith as Exhibit E.

34. Registrant falsely declared under oath in the Section 8 Declaration that it signed on September 24, 2007, that a specimen showing its use of the TRIDENT & Design mark in commerce was included therewith.

35. Registrant knew that the declaration of ownership was false at the time it signed the Section 8 Declaration and submitted it to the Office.

36. Registrant knew that the declaration that the specimen included with the Section 8 Declaration showed its use of the TRIDENT & Design mark in commerce was false at the time it signed the Section 8 Declaration and submitted it to the Office.

37. Registrant intentionally made these false declarations in the Section 8 Declaration with the intent to fraudulently induce the Office to act in reliance thereon.

38. Registrant made these false declarations in the hope of leading the Office to believe that Registrant was entitled to maintain Reg. No. 2,619,642 when in fact it was not. Registrant's hope was realized as its false declarations wrongfully induced the Office to accept the Section 8 Declaration, which action the Office would not have taken but for Registrant's fraudulent declarations.

Abandonment of the TRIDENT & Design Mark

Petitioner realleges and reiterates Paragraphs 1 through 38 hereof and further asserts:

39. Petitioner has conducted an investigation of Registrant and based thereon believes that the goods that Registrant currently distributes in the U.S. bearing the TRIDENT & Design mark are goods provided Registrant by Trident S/A during Trident S/A's and Registrant's distributor relationship.

40. The specimens of continued use of the TRIDENT & Design mark submitted to the Office with Registrant's 2007 Section 8 declaration of continued use include photos of a set

of Trident S/A's technical pens and Trident S/A's patented computer desk including Trident S/A's model number TRITUB-R4.

41. On information and belief, Registrant abandoned the TRIDENT & Design mark set forth in Reg. No. 2,619,642 when Trident S/A's and Registrant's distributor relationship ended in March 2003. In March 2003, Registrant ceased all use of the TRIDENT & Design mark set forth in Reg. No. 2,619,642 and did so with intent not to resume such use.

Registrant Does Not Own the TRIDENT & Design Mark

Petitioner realleges and reiterates Paragraphs 1 through 41 hereof and further asserts:

42. Since before Registrant filed the Application to register the TRIDENT & Design mark on June 28, 2000, that matured into Reg. No. 2,619,642 on September 17, 2002, Registrant acted as a U.S. distributor or importer of goods bearing Trident S/A's TRIDENT & Design mark.

43. The TRIDENT & Design mark is well know and famous throughout the United States and internationally as a mark that identifies goods emanating from Trident S/A.

44. Registrant filed the Application to register the TRIDENT & Design mark in its own name.

45. Registrant filed the Application to register the TRIDENT & Design mark without authorization of Trident S/A.

46. Since Registrant filed it in violation of 15 U.S.C. § 1051 and, in particular, in contravention of the rule set forth in TMEP § 1201.06(a) and the cases cited therein, the Application to register the TRIDENT & Design mark is void *ab initio*.

WHEREFORE, Petitioner respectfully requests that Reg. No. 2,619,642 be cancelled.

Please direct all communications to the undersigned at (615) 238-6300 or trademarks@bonelaw.com.

Jack Richeson & Co., Inc.

By: 

Name: Paul W. Kruse & Anne C. Martin

Title: Attorneys

Date: December 1, 2008

Submitted by:

Bone McAllester Norton PLLC
511 Union Street
Suite 1600
Nashville, Tennessee 37219

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on Registrant's attorney, Cheryl Meide with an address at Meide Law Firm, P.A., Corners at Deerwood 7545 Centurion Parkway, Suite 201, Jacksonville, Florida 32256, via first class mail, postage prepaid, today December 1, 2008.

By: 

Exhibit A

ESTTA Tracking number: **ESTTA163131**Filing date: **09/17/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Jack Richeson & Co., Inc.		
Entity	Corporation	Citizenship	Wisconsin
Address	557 Marcella Street Kimberly, WI 54136 UNITED STATES		

Attorney information	Paul W. Kruse Bone McAllester Norton PLLC 511 Union Street Suite 1600 Nashville, TN 37219 UNITED STATES trademarks@bonelaw.com Phone:615-238-6304
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Registration Subject to Cancellation

Registration No	2619642	Registration date	09/17/2002
Registrant	Select Export Corp. 7395 Pioneer Road West Palm Beach, FL 33413 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 1988/03/01 First Use In Commerce: 1988/03/01

All goods and services in the class are cancelled, namely: surveying, measuring, and teaching apparatus and instruments, namely, surveying chains, surveyor's levels, tripod for topography, telescoping leveling rods, folding wooden rods, range poles, adjustable arm protractor, protractors, computer workstation comprising a computer printer and accessories, computer stands specifically designed for holding computer equipment, machinist scales, proportion calculator, computer for air navigation, triangular scales, circular slide rule, pocket scales, graduated parallel ruler for marine charts, graduated wooden rulers, graduated professional ruler, graduated acrylic rulers, air navigation slide ruler, plotting rule for navigation, metric slide ruler for conversion, tolerance table ruler, angle iron level, metal professional pantograph, surveyor's levels, bevels, measuring spoons and cups; data processors; and computers

Class 016. First Use: 1988/03/01 First Use In Commerce: 1988/03/01

All goods and services in the class are cancelled, namely: artists' materials, namely, artists' brushes, artists' pastels, artists' pencils, artists' pens, canvas panels for artists, electrical wood burning artists' pens, metals in foil and powder form for painters, decorators, and artists, painting sets for artists, art prints, art etchings, art mounts, art pads, art paper, art pictures, arts and craft paint kits, easel pads, easels, wooden easels, aluminum easels, drafting compasses, drafting curves, drafting instruments, drafting rulers, drafting squares, drafting templates, drafting trays, drafting triangles, drawing boards, drawing brushes, drawing compasses, drawing curves, drawing instruments, drawing pads, drawing paper, drawing pencils, drawing rulers, drawing shields, drawing squares, drawing templates, drawing trays, drawing triangles, paint brushes, painting palettes, painting sets, painting sets for children, paintings, paints for arts and crafts, pens, technical pens and pencils, French curves,

highway curves, adjustable triangles, naval curves, templates for business forms and graphic art, T squares, parallel straightedge, chalk boards, white boards, drawing flexible curve ruler, drawing quick parallel glider, drawing stumps, portable sketch boards, stretched and mounted canvas, compasses, printed instructional and teaching materials in the line of fine art painting

Class 020. First Use: 1988/03/01 First Use In Commerce: 1988/03/01

All goods and services in the class are cancelled, namely: wooden taboret for architectural drawings plans and maps, furniture, auxiliary cart for art supplies, metal display rolling stands for architectural drawings plans and maps, steel drafting tables, wooden drafting tables, wooden stools, wooden tops and melamine tops for use on top of drafting tables

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	00229248.pdf (8 pages)(57175 bytes)
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Signature	/Paul W. Kruse/
Name	Paul W. Kruse
Date	09/17/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jack Richeson & Co., Inc.,)	
)	
Petitioner,)	
)	Cancellation No. _____
v.)	
)	Reg. No. 2,619,642
Select Export Corp. dba Trident,)	
)	
Registrant.)	
)	
Attorney Ref. No. 002763-060801)	

PETITION TO CANCEL

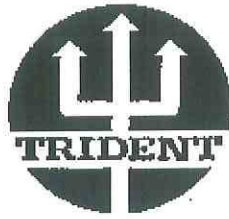
Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

Jack Richeson & Co., Inc. (hereinafter Petitioner) is or will be damaged by the continued registration of the mark TRIDENT & Design, which is set forth in Reg. No. 2,619,642 and owned by Select Export Corp. dba Trident (hereinafter Registrant), and hereby requests the cancellation of the same.

As grounds for cancellation, Petitioner, by its attorneys, avers as follows:

1. Petitioner is engaged directly and through Petitioner's predecessor-in-interest has for many years been engaged in the manufacture, distribution and sale of artists' materials, tools and supplies used in drawing, drafting and surveying in commerce under the following mark:



2. On June 28, 2000, Registrant filed application Ser. No. 76/078,278 based on its alleged use of the following mark:



in commerce since at least as early as March 1, 1988. This application matured into Reg. No. 2,619,642 on September 17, 2002, and is the subject of this petition. Information about this registration is submitted herewith.

3. On information and belief, Registrant is a Florida corporation with a principal place of business at 7395 Pioneer Road, West Palm Beach, Florida 33413

4. During the pendency of application Ser. No. 76/078,278, Registrant swore in a declaration under 37 C.F.R. Section 2.20 that the mark set forth in Reg. No. 2,619,642 had been in use in commerce since at least as early as March 1, 1988, on or in connection with:

Surveying chains, surveyor's levels, tripod for topography, telescoping leveling rods, folding wooden rods, range poles, adjustable arm protractor, protractors, computer workstation comprising a computer printer and accessories, machinist scales, proportion calculator, computer for air navigation, circular slide rule, pocket scales, graduated parallel ruler for marine charts, graduated wooden rulers, graduated professional ruler, air navigation slide ruler, plotting rule for navigation, metric slide ruler for conversion, tolerance table ruler, angle iron level, metal

professional pantograph, surveyor's levels, bevels, measuring spoons and cups; data processors; and computers in International Class No. 9;

Artist's brushes, artists' pastels, artist's pencils, artist's pens, canvas panels for artists, electrical wood burning artist's pens, metals in foil and powder for painters, decorators, and artists, painting sets for artists, art prints, art etchings, art mounts, art pads, art paper, art pictures, arts and craft paint kits, easels pads, aluminum easels, drafting curves, drafting squares, drafting templates, drafting trays, drawing brushes, drawing curves, drawing templates, drawing trays, drawing triangles, paint brushes, painting sets, French curves, highway curves, naval curves, templates for business forms and graphic art, parallel straightedge, chalk boards, white boards, drawing quick parallel glider, drawing stumps, portable sketch boards, stretched and mounted canvas, printed instructional and teaching materials in the line of fine art painting in International Class No. 16; and

Metal display rolling stands for architectural drawing plans and maps in International Class No. 20.

5. On information and belief, Registrant is not using, and has never used, the mark set forth in Reg. No. 2,619,642 in commerce on or in connection with the goods set forth in paragraph 4 of this petition. Consequently, when Registrant swore in a declaration under 37 C.F.R. Section 2.20 that the mark set forth in Reg. No. 2,619,642 had been in use in commerce on or in connection with the goods set forth in paragraph 4 of this petition since at least as early as March 1, 1988, such information was false.

6. On information and belief, Registrant misrepresented the nature of its use of the mark set forth in Reg. No. 2,619,642 at the time it submitted application Ser. No. 76/078,278 and continued to misrepresent the nature of its use of the mark set forth in Reg. No. 2,619,642 throughout the prosecution of application Ser. No. 76/078,278. On information and belief, Registrant procured Reg. No. 2,619,642 by false means and/or by knowing and willfully making false and/or fraudulent declarations or representations, including falsely alleging under 37 C.F.R.

Section 2.20 that the mark set forth in Reg. No. 2,619,642 had been in use in commerce since at least as early as March 1, 1988 on or in connection with the goods set forth in paragraph 4 of this petition when, on information and belief, Registrant did not then and still does not use the mark set forth in Reg. No. 2,619,642 on or in connection with the goods set forth in paragraph 4 of this petition. On information and belief, said false statements were made with the intent to induce authorized agents of the United States Patent and Trademark Office to issue Reg. No. 2,619,642, and reasonably relying upon the truth of said false statements, the United States Patent and Trademark Office did, in fact, issue Reg. No. 2,619,642.

7. On information and belief, Registrant knew at the time it was made that its statement regarding its use of the goods set forth in paragraph 4 of this petition made during the prosecution of application Ser. No. 76/078,278 was false.

8. On information and belief, Registrant was asked during the prosecution of application Ser. No. 76/078,278 if it was the true owner of the mark set forth in Reg. No. 2,619,642.

9. On information and belief, Registrant represented to the United States Patent and Trademark Office that it was. However, Registrant was in fact only a distributor of Petitioner's predecessor-in-interest and neither a company related to Petitioner's predecessor-in-interest or owner of the mark set forth in Reg. No. 2,619,642. Moreover, Petitioner's predecessor-in-interest never consented to Registrant's registration of the mark set forth in Reg. No. 2,619,642.

10. On information and belief, Registrant misrepresented the nature of its ownership of the mark set forth in Reg. No. 2,619,642 at the time it submitted application Ser. No. 76/078,278 and continued to misrepresent the nature of its ownership of the mark set forth in Reg. No. 2,619,642 throughout the prosecution of application Ser. No. 76/078,278. On

information and belief, Registrant procured Reg. No. 2,619,642 by false means and/or by knowing and willfully making false and/or fraudulent declarations or representations, including falsely alleging under 37 C.F.R. Section 2.20 that it owned the mark set forth in Reg. No. 2,619,642 when, on information and belief, Registrant did not then and still does not own the mark set forth in Reg. No. 2,619,642. On information and belief, said false statements were made with the intent to induce authorized agents of the United States Patent and Trademark Office to issue Reg. No. 2,619,642, and reasonably relying upon the truth of said false statements, the United States Patent and Trademark Office did, in fact, issue Reg. No. 2,619,642.

11. On information and belief, Registrant knew at the time it was made that its statement regarding its ownership of the mark set forth in Reg. No. 2,619,642 made during the prosecution of application Ser. No. 76/078,278 was false.

12. On information and belief, Registrant, through intentional nonuse, has abandoned the mark set forth in Reg. No. 2,619,642.

13. Any goodwill that may have been associated with the mark set forth in Reg. No. 2,619,642 has been destroyed by Registrant's intentional abandonment and nonuse of the mark in commerce.

14. In view of the above allegations, Registrant is not entitled to continue registration of the mark set forth in Reg. No. 2,619,642 since Registrant, upon information and belief, committed fraud in the procurement of Reg. No. 2,619,642.

WHEREFORE, Petitioner respectfully requests that Reg. No. 2,619,642 be cancelled.

Please direct all communications to the undersigned at (615) 238-6300 or trademarks@bonelaw.com.

Jack Richeson & Co., Inc.

By: _____

Name: Paul W. Kruse

Title: Attorney

Date: September 17, 2007

Submitted by:

Bone McAllester Norton PLLC
511 Union Street
Suite 1600
Nashville, Tennessee 37219

Int. Cls.: 9, 16 and 20

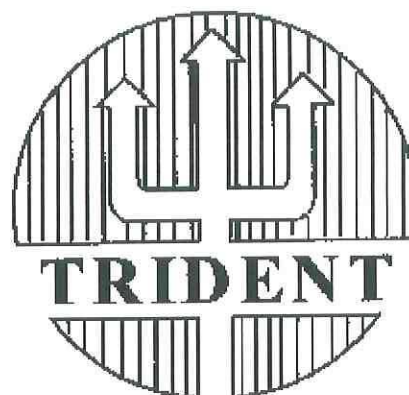
Prior U.S. Cls.: 2, 5, 13, 21, 22, 23, 25, 26, 29, 32, 36,
37, 38 and 50

Reg. No. 2,619,642

United States Patent and Trademark Office

Registered Sep. 17, 2002

TRADEMARK
PRINCIPAL REGISTER



SELECT EXPORT CORP. (FLORIDA CORPORATION), DBA TRIDENT

7395 PIONEER ROAD

WEST PALM BEACH, FL 33411

FIRST USE 3-1-1988; IN COMMERCE 2-1-1988.

FOR: SURVEYING, MEASURING, AND TEACHING APPARATUS AND INSTRUMENTS, NAMELY, SURVEYING CHAINS, SURVEYOR'S LEVELS, TRIPOD FOR TOPOGRAPHY, TELESCOPING LEVELING RODS, FOLDING WOODEN RODS, RANGE POLES, ADJUSTABLE ARM PROTRACTOR, PROTRACTORS, COMPUTER WORKSTATION COMPRISING A COMPUTER PRINTER AND ACCESSORIES, COMPUTER STANDS SPECIFICALLY DESIGNED FOR HOLDING COMPUTER EQUIPMENT, MACHINIST SCALES, PROPORTION CALCULATOR, COMPUTER FOR AIR NAVIGATION, TRIANGULAR SCALES, CIRCULAR SLIDE RULE, POCKET SCALES, GRADUATED PARALLEL RULER FOR MARINE CHARTS, GRADUATED WOODEN RULERS, GRADUATED PROFESSIONAL RULER, GRADUATED ACRYLIC RULERS, AIR NAVIGATION SLIDE RULER, PLOTTING RULER FOR NAVIGATION, METRIC SLIDE RULER FOR CONVERSION, TOLERANCE TABLE RULER, ANGLE IRON LEVEL, METAL PROFESSIONAL PANTOGRAPH, SURVEYOR'S LEVELS, BEVELS, MEASURING SPOONS AND CUPS; DATA PROCESSORS; AND COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38),

FOR: ARTISTS' MATERIALS, NAMELY, ARTISTS' BRUSHES, ARTISTS' PASTELS, ARTISTS' PENCILS, ARTISTS' PENS, CANVAS PANELS FOR ARTISTS, ELECTRICAL WOOD BURNING ARTISTS' PENS, METALS IN FOIL AND POWDER FORM FOR PAINTERS, DECORATORS, AND ARTISTS, PAINTING SETS FOR ARTISTS, ART PRINTS, ART ETCHINGS, ART MOUNTS, ART PADS, ART PAPER, ART PICTURES, ARTS AND CRAFT PAINT KITS, EASEL PADS, EASELS, WOODEN EASELS, ALUMINUM EASELS, DRAFTING COMPASSES, DRAFTING CURVES, DRAFTING INSTRUMENTS, DRAFTING RULERS, DRAFTING SQUARES, DRAFTING TEMPLATES, DRAFTING TRAYS, DRAFTING TRIANGLES, DRAWING BOARDS, DRAWING BRUSHES, DRAWING COMPASSES, DRAWING CURVES, DRAWING INSTRUMENTS, DRAWING PADS, DRAWING PAPER, DRAWING PENCILS, DRAWING RULERS, DRAWING SHIELDS, DRAWING SQUARES, DRAWING TEMPLATES, DRAWING TRAYS, DRAWING TRIANGLES, PAINT BRUSHES, PAINTING PALETTES, PAINTING SETS, PAINTING SETS FOR CHILDREN, PAINTINGS, PAINTS FOR ARTS AND CRAFTS, PENS, TECHNICAL PENS AND PENCILS, FRENCH CURVES, HIGHWAY CURVES, ADJUSTABLE TRIANGLES, NAVAL CURVES, TEMPLATES FOR BUSINESS FORMS AND GRAPHIC ART, T SQUARES, PARALLEL STRAIGHTEDGE, CHALK

BOARDS, WHITE BOARDS, DRAWING FLEXIBLE CURVE RULER, DRAWING QUICK PARALLEL GLIDER, DRAWING STUMPS, PORTABLE SKETCH BOARDS, STRETCHED AND MOUNTED CANVAS, COMPASSES, PRINTED INSTRUCTIONAL AND TEACHING MATERIALS IN THE LINE OF FINE ART PAINTING, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-1-1988; IN COMMERCE 3-1-1988.

FOR: WOODEN TABORET FOR ARCHITECTURAL DRAWINGS PLANS AND MAPS, FURNITURE, AUXILIARY CART FOR ART SUPPLIES, METAL DISPLAY ROLLING STANDS FOR ARCHITECTUR-

AL DRAWINGS PLANS AND MAPS, STEEL DRAFTING TABLES, WOODEN DRAFTING TABLES, WOODEN STOOLS, WOODEN TOPS AND MELAMINE TOPS FOR USE ON TOP OF DRAFTING TABLES, IN CLASS 20 (U.S. CLS. 3, 13, 22, 25, 22 AND 50).

FIRST USE 3-1-1988; IN COMMERCE 3-1-1988.

THE MARK IS LINED FOR THE COLOR RED.

SER. NO. 76-078,278, FILED 6-28-2000.

SOPHIA S. KIM, EXAMINING ATTORNEY

Exhibit B

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT'S NAME: Select Export Corp, DBA Trident

APPLICANT'S MAILING ADDRESS:

(Display address exactly as it
should appear on registration)7395 Pioneer Road
West Palm Beach, FL 33413

APPLICANT'S ENTITY TYPE: (Check one and supply requested information)

☐ Individual - Citizen of (Country): _____☐ Partnership - State where organized (Country, if appropriate): _____

Names and Citizenship (Country) of General Partners: _____

☒Corporation - State (Country, if appropriate) of Incorporation: FLORIDA☐ Other (Specify Nature of Entity and Domicile): _____

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE):

Drawing, Drafting and Artist Supplies (Class 16)
Surveying Supplies (Class 9)

BASIS FOR APPLICATION: (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to each box checked.)

☒

Applicant is using the mark in commerce on or in connection with the above identified goods/services (15 U.S.C. 1051(a) as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a foreign country): (Class 11) 3/01/88; Class 37) 3/01/88
- Specify the type of commerce: interstate
(for example, interstate or between the U.S. and a specified foreign country)

- Date of first use anywhere (the same as or before use in commerce date): cl 11-3/01/88 cl 37-3/01/88
- Specify manner or mode of use of mark on or in connection with the goods/services: Trademark applied to products, packaging, labels, magazines & advertisements
(for example, trademark is applied to labels, service mark is used in advertisements)

☐

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services (15 U.S.C. 1051(b), as amended.)

- Specify intended manner or mode of use of mark on or in connection with the goods/services: _____
(for example, trademark will be applied to labels, service mark will be used in advertisements)

☐

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended

- Country of foreign filing: _____
- Date of foreign filing: _____

☐

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended.

- Country of registration: _____
- Registration number: _____

NOTE: Declaration, on Reverse Side, MUST be Signed

TRADEMARK/SERVICE MARK	MARK (Word(s) and/or Design)	CLASS NO. (If known)
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DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or if the application is being filed under 15 U.S.C. 1051(b), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

06/19/2000
DATE


SIGNATURE

Toll Free 800-TRIDENT
TELEPHONE NUMBER

Herbert Eugen Moebius - President
PRINT OR TYPE NAME AND POSITION

INSTRUCTIONS AND INFORMATION FOR APPLICANT

TO RECEIVE A FILING DATE, THE APPLICATION MUST BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

1. The prescribed FEE (\$245.00) for
2. A DRAWING PAGE displaying
3. If the application is based on use of the mark as used in commerce for specimens may be the same. Exam



06-28-2000

U.S. Patent & TMO/TM Mail Rpt Dt. #84

ted in the application;
7 CFR 2.52;

E (3) SPECIMENS (evidence) of
ed in the application. All three

4. An APPLICATION WITH DECLARATION (this form) - The application must be signed in order for the application to receive a filing date. Only the following persons may sign the declaration, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

SEND APPLICATION FORM, DRAWING PAGE, FEE, AND SPECIMENS (IF APPROPRIATE) TO:

Assistant Commissioner for Trademarks
Box New App/Fee
2900 Crystal Drive
Arlington, VA 22202-3513

Additional information concerning the requirements for filing an application is available in a booklet entitled **Basic Facts About Registering a Trademark**, which may be obtained by writing to the above address or by calling: (703) 308-HELP.

This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding information, recordkeeping, and actually providing the information. Any comments on this form, including the amount of time taken, should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce. Do NOT send completed forms to this address.

76078278

DRAWING - SPECIAL FORM

APPLICANT'S NAME: Trident of North America

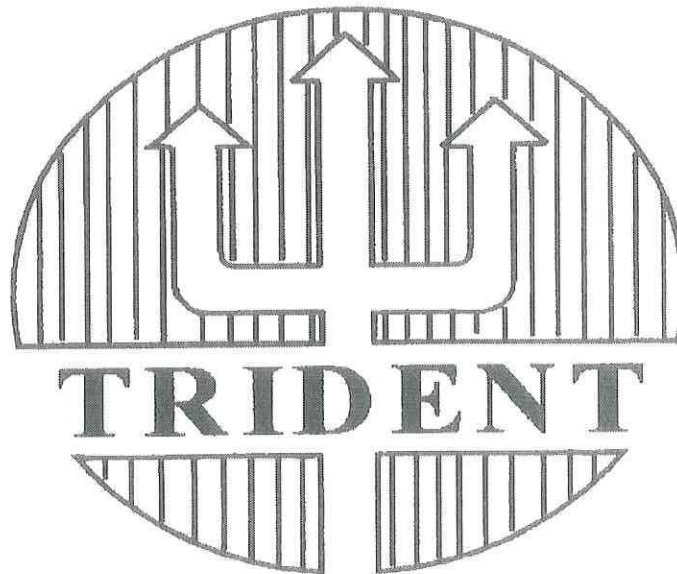
APPLICANT'S ADDRESS: 7395 Pioneer Road, West Palm Beach, FL
33413

GOODS AND SERVICES: Drawing, Drafting, Surveyors and Artist Supplies

FIRST USE: Drawing, Drafting, Surveyors and Artist Supplies (U.S. CLS.
11 AND 37) March 1, 1988

DESIGN: A trident

LINING: The mark is lined for the color red



06-28-2000

U.S. Patent & TMO/TM Mail Rpt DL 934

TRADEMARK



76078278

Exhibit C



REPÚBLICA FEDERATIVA DO BRASIL
Ministério da Indústria, do Comércio e do Turismo
Instituto Nacional da Propriedade Industrial

Certificado de Registro de Marca No.006167675

TRIDENT

O Instituto Nacional da Propriedade Industrial, para garantia da propriedade e do uso exclusivo, certifica que, nos termos das normas legais e regulamentares em vigor, efetuou a PRORROGAÇÃO do registro da marca acima reproduzida, mediante as seguintes características e condições:

* 3o.DECÊNIO *

Especificação dos Produtos/Serviços:
Artigos para escritório, material didático e de desenho.

Classe Produtos/Serviços: 16.30

Observações: Marca Nominativa.

Registro Anterior: Número 006167675

Prazo de Validade: 10 (dez) anos a partir de 25/11/96

Data de Concessão: 25/11/76

Titular: TRIDENT S A INDUSTRIA DE PRECISAO

CGC/CPF/No. INPI: 50029602000140

Endereço: LOC DIST INDUSTRIAL SN
DISTRITO INDUSTRIAL - ITAPUI
CEP 17230 SP BR

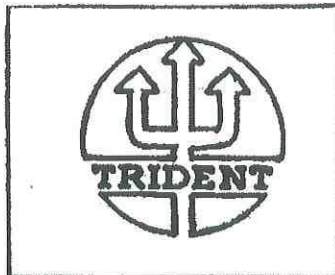
Rio de Janeiro, 19 de agosto de 1997.


Diretor de Marcas



REPÚBLICA FEDERATIVA DO BRASIL
Ministério da Indústria e do Comércio
Secretaria de Tecnologia Industrial
Instituto Nacional da Propriedade Industrial

CERTIFICADO DE REGISTRO Nº 1271/0675165



O INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL, para garantia da propriedade e do uso exclusivo, certifica que, nos termos das normas legais e regulamentares em vigor, efetuou o registro acima reproduzido, mediante as características e condições abaixo:

I - TITULAR: TRIDENT S/A INDUSTRIA DE PRECISAO

CGC
CPF

050.029.602

ENDEREÇO: DISTRITO INDUSTRIAL S/N ITAPUI SP BRASIL (BR)

ATIVIDADE CORRESPONDENTE: INDUSTRIA E COMERCIO DE ARTIGOS DE ESCRITORIO E MATERIAL DIDATICO

II - NATUREZA: MARCA ESPECIFICA DE INDUSTRIA E COMERCIO

III - APRESENTAÇÃO: MISTA

IV - CLASSE: 16 (DEZESEIS)

V - PRAZO DE VALIDADE: 10 (DEZ) ANOS, A PARTIR DESTA DATA

VI - PRIORIDADE UNIONISTA:

PAÍS:

NÚMERO:

DATA DO DEPÓSITO:

VII - DEPÓSITO NO BRASIL:

NÚMERO: 004924

DATA: 04/04/72

VIII - FINALIDADE: ASSINALAR OS PRODUTOS A SEREM COMERCIALIZADOS RE SULTANTES DA ATIVIDADE DO TITULAR

RIO DE JANEIRO, EM 10 DE

SETEMBRO

DE 19 78


DIRETOR DE MARCAS


PRÉSIDENTE



SERVICIO AUTÓNOMO REGISTRO
DE LA PROPIEDAD INDUSTRIAL
MINISTERIO DE FOMENTO
REPÚBLICA DE VENEZUELA



FM-03

REGISTRO No. **P-213.629**
FECHA **06/08/99**
VENCIMIENTO **06/08/2.009**

CERTIFICADO DE REGISTRO

I-98/15.123

TIPO DE REGISTRO

MARCA DE PRODUCTO

IDENTIFICACION

TITULAR, O RAZON SOCIAL, NACIONALIDAD, DOMICILIO

TRIDENT S/A INDUSTRIA DE PRECISAO, de nacionalidad brasilera y domiciliada en Itapui,
Estado de Sao Paulo, no Distrito Industrial, S/N, **BRASIL**.

DESCRIPCION DEL SIGNO DISTINTIVO

SIGNO DISTINTIVO	FACSIMIL (8 X 8)
DESCRIPCION DE LA ETIQUETA "TRIDENT" . (Tridente)	(PEGADO CON GOMA)
PRODUCTOS, SERVICIOS O ACTIVIDADES QUE DISTINGUE LA MARCA COMERCIAL REGISTRADA	
MATERIAL DE DIBUJO PARA USO EN INGENIERIA.	
CLASE 16 INT.	

DERECHOS DE REGISTRO

RECIBO No. **246.191** FECHA **15/09/99** REGISTRO Bs. **144.000,00**

ESCRITURA Bs. **0,00** PAPEL PROTOCOLO **0,00**

TOTAL Bs. **144.000,00**

EL REGISTRADOR



DNPI**DIRECCIÓN NACIONAL DE LA PROPIEDAD INDUSTRIAL**
Rincón 719 - Montevideo - Uruguay**SOLICITUD DE RENOVACIÓN****RENOVACIÓN**☒**MODIFICACIÓN****N° de SOLICITUD (20)**

251.092



- MARCA DE PRODUCTOS



- MARCA DE SERVICIOS



- MARCA COLECTIVA (551)



- MARCA DE CERTIFICACIÓN

O GARANTÍA (551)



- FRASE PUBLICITARIA

34 0680

NOMBRES Y APELLIDOS O RAZÓN SOCIAL DEL SOLICITANTE (730)

TRIDENT S.A. INDUSTRIA DE PRECISAO

N° DOCUMENTO**CALLE Y N°:**

RUA JOSE ANTONIO, 928 DISTRITO INDUSTRIAL

**PAIS DE
RESIDENCIA**
BR**LOCALIDAD - ESTADO**

ITAPUI - SP

C. POSTAL**AGENTE O REPRESENTANTE - MATRICULA (740)**

GONZALO FERNANDEZ SECCO

DOMICILIO CONSTITUIDO

25 DE MAYO 467 OF. 401

TEL./FAX/E-MAIL

916-1913 /15

- ☐ Denominativa
☐ Figurativa
☒ Mixta
☐ Sonora (556)
☐ Tridimensional (554)

CLASES (511)

**NOMBRE DE LA MARCA Y/O
REPRODUCCIÓN GRÁFICA (540)**
(MÁXIMO 6 X 8 CM)
(MÍNIMO 3 X 3 CM)

**TRADUCCIÓN:**

TRIDENTE

1	16	16	31
2	17		32
3	18		33
4	19		34
5	20		35
6	21		36
7	22		37
8	23		38
9	24		39
10	25		40
11	26		41
12	27		42
13	28		43
14	29		44
15	30		45

COLORES REIVINDICADOS (591):**CLASE PRODUCTOS Y/O SERVICIOS A PROTEGER:****ELEMENTOS SOBRE LOS QUE SE REIVINDICAN DERECHOS:** "TRIDENT"**OBSERVACIONES/AUTORIZADOS PARA TRAMITAR:**

ISABEL FERNANDEZ - JENNIFER COTARELO - JACQUELINE CAMPBELL - BEATRIZ PICUN- LAURA PICUÑA

N°

10

Exhibit D

Declaration of Incontestability of a Mark under Section 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2619642
REGISTRATION DATE	09/17/2002
SERIAL NUMBER	76078278
MARK SECTION	
MARK	TRIDENT (stylized and/or with design)
OWNER SECTION (current)	
NAME	Select Export Corp.
STREET	7395 Pioneer Road
CITY	West Palm Beach
STATE	Florida
ZIP/POSTAL CODE	33413
COUNTRY	United States
ATTORNEY SECTION (new)	
NAME	Cheryl Meide, Esquire
FIRM NAME	MEIDE LAW FIRM PA
INTERNAL ADDRESS	CORNERS AT DEERWOOD
STREET	7545 CENTURION PARKWAY, SUITE 201
CITY	JACKSONVILLE
STATE	Florida
POSTAL CODE	32256
COUNTRY	United States
PHONE	904-564-1818
FAX	904-564-1848
ATTORNEY DOCKET NUMBER	SEC.0101
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
FILING COVERS ONLY SOME GOODS OR SERVICES IN THIS CLASS	YES
GOODS OR SERVICES THIS FILING DOES NOT COVER	surveying chains, surveyor's levels, tripod for topography, telescoping leveling rods, folding wooden rods, range poles, adjustable arm protractor, protractors, computer workstation comprising a computer printer and accessories, machinist scales, proportion calculator, computer for air navigation, circular slide rule, pocket scales, graduated parallel ruler for marine charts, graduated wooden rulers, graduated professional ruler, air navigation slide ruler, plotting rule for navigation, metric slide ruler for conversion, tolerance table ruler, angle iron level, metal professional pantograph, surveyor's levels, bevels, measuring spoons and cups; data processors; and computers
PROPOSED COMPLETE LISTING AFTER DELETION	surveying, measuring, and teaching apparatus and instruments, namely, computer stands specifically designed for holding computer equipment, triangular scales, graduated acrylic rulers.
INTERNATIONAL CLASS	016

FILING COVERS ONLY SOME GOODS OR SERVICES IN THIS CLASS	YES
GOODS OR SERVICES THIS FILING DOES NOT COVER	artists' brushes, artists' pastels, artists' pencils, artists' pens, canvas panels for artists, electrical wood burning artists' pens, metals in foil and powder form for painters, decorators, and artists, painting sets for artists, art prints, art etchings, art mounts, art pads, art paper, art pictures, arts and craft paint kits, easel pads, aluminum easels, drafting curves, drafting squares, drafting templates, drafting trays, drawing brushes, drawing curves, drawing instruments, drawing paper, drawing pencils, drawing shields, drawing squares, drawing templates, drawing trays, drawing triangles, paint brushes, painting sets, painting sets for children, paintings, paints for arts and crafts, pens, and pencils, French curves, highway curves, naval curves, templates for business forms and graphic art, parallel straightedge, chalk boards, white boards, drawing quick parallel glider, drawing stumps, portable sketch boards, stretched and mounted canvas, printed instructional and teaching materials in the line of fine art painting
PROPOSED COMPLETE LISTING AFTER DELETION	artists' materials, namely, easels, wooden easels, drafting compasses, drafting instruments, drafting rulers, drafting triangles, drawing boards, drawing compasses, drawing pads, drawing rulers, painting palettes, technical pens, adjustable triangles, T squares, drawing flexible curve ruler, compasses.
INTERNATIONAL CLASS	020
FILING COVERS ONLY SOME GOODS OR SERVICES IN THIS CLASS	YES
GOODS OR SERVICES THIS FILING DOES NOT COVER	metal display rolling stands for architectural drawings plans and maps
PROPOSED COMPLETE LISTING AFTER DELETION	wooden taboret for architectural drawings plans and maps, furniture, auxiliary cart for art supplies, steel drafting tables, wooden drafting tables, wooden stools, wooden tops and melamine tops for use on top of drafting tables.
PAYMENT SECTION	
NUMBER OF CLASSES	3
NUMBER OF CLASSES PAID	3
SUBTOTAL AMOUNT	600
TOTAL FEE PAID	600
SIGNATURE SECTION	
SIGNATURE	/Cheryl Meide/
SIGNATORY'S NAME	Cheryl Meide, Esquire
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	09/17/2007
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Mon Sep 17 00:32:10 EDT 2007
TEAS STAMP	USPTO/SECT15-75.92.109.18 0-20070917003210915619-26 19642-4004567963e5dc9a8ed 9dca86e13a2dd665-CC-4599- 20070916235954141556

Declaration of Incontestability of a Mark under Section 15

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2619642

REGISTRATION DATE: 09/17/2002

MARK: TRIDENT (stylized and/or with design)

The owner, Select Export Corp., having an address of 7395 Pioneer Road, West Palm Beach, Florida, United States 33413, is filing a Declaration of Incontestability of its mark under Section 15.

For International Class 009, the owner, or its related company, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts. This statement is entirely true **EXCEPT** for the following goods or services:

surveying chains, surveyor's levels, tripod for topography, telescoping leveling rods, folding wooden rods, range poles, adjustable arm protractor, protractors, computer workstation comprising a computer printer and accessories, machinist scales, proportion calculator, computer for air navigation, circular slide rule, pocket scales, graduated parallel ruler for marine charts, graduated wooden rulers, graduated professional ruler, air navigation slide ruler, plotting rule for navigation, metric slide ruler for conversion, tolerance table ruler, angle iron level, metal professional pantograph, surveyor's levels, bevels, measuring spoons and cups; data processors; and computers

The following is proposed as the complete final listing once the specific good(s) or service(s) identified above is deleted: surveying, measuring, and teaching apparatus and instruments, namely, computer stands specifically designed for holding computer equipment, triangular scales, graduated acrylic rulers.

For International Class 016, the owner, or its related company, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts. This statement is entirely true **EXCEPT** for the following goods or services:

artists' brushes, artists' pastels, artists' pencils, artists' pens, canvas panels for artists, electrical wood burning artists' pens, metals in foil and powder form for painters, decorators, and artists, painting sets for artists, art prints, art etchings, art mounts, art pads, art paper, art pictures, arts and craft paint kits, easel pads, aluminum easels, drafting curves, drafting squares, drafting templates, drafting trays, drawing brushes, drawing curves, drawing instruments, drawing paper, drawing pencils, drawing shields, drawing squares, drawing templates, drawing trays, drawing triangles, paint brushes, painting sets, painting sets for children, paintings, paints for arts and crafts, pens, and pencils, French curves, highway curves, naval curves, templates for business forms and graphic art, parallel straightedge, chalk boards, white boards, drawing quick parallel glider, drawing stumps, portable sketch boards, stretched and mounted canvas, printed instructional and teaching materials in the line of fine art painting

The following is proposed as the complete final listing once the specific good(s) or service(s) identified above is deleted: artists' materials, namely, easels, wooden easels, drafting compasses, drafting instruments, drafting rulers, drafting triangles, drawing boards, drawing compasses, drawing pads, drawing rulers, painting palettes, technical pens, adjustable triangles, T squares, drawing flexible curve ruler, compasses.

For International Class 020, the owner, or its related company, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts. This statement is entirely true **EXCEPT** for the following goods or services:

metal display rolling stands for architectural drawings plans and maps

The following is proposed as the complete final listing once the specific good(s) or service(s) identified above is deleted: wooden taboret for architectural drawings plans and maps, furniture, auxiliary cart for art supplies, steel drafting tables, wooden drafting tables, wooden stools, wooden tops and melamine tops for use on top of drafting tables.

The registrant hereby appoints Cheryl Meide, Esquire of MEIDE LAW FIRM PA, 7545 CENTURION PARKWAY, SUITE 201, CORNERS AT DEERWOOD, JACKSONVILLE, Florida United States 32256 to file this Declaration of Incontestability of its mark under Section 15 on behalf of the registrant. The attorney docket/reference number is SEC.0101.

A fee payment in the amount of \$600 will be submitted with the form, representing payment for 3 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner, or its related company, has continuously used the mark in commerce on or in connection with the goods and/or services identified

above, for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with the identified goods and/or services. The owner is filing this declaration within one (1) year after the expiration of either any five-year period of continuous use in commerce following registration, or any five-year period of continuous use in commerce after publication under § 12(c). There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Cheryl Meide/ Date: 09/17/2007
Signatory's Name: Cheryl Meide, Esquire
Signatory's Position: Attorney of Record

Mailing Address:
MEIDE LAW FIRM PA
7545 CENTURION PARKWAY, SUITE 201
JACKSONVILLE, Florida 32256

Serial Number: 76078278
Internet Transmission Date: Mon Sep 17 00:32:10 EDT 2007
TEAS Stamp: USPTO/SECT15-75.92.109.180-2007091700321
0915619-2619642-4004567963e5dc9a8ed9dca8
6e13a2dd665-CC-4599-20070916235954141556

ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 2619642**Serial Number:** 76078278**RAM Sale Number:** 4599**RAM Accounting Date:** 20070917**Total Fees:** \$600

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§15 affidavit	7208	20070917	\$200	3	3	\$600

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): False

Transaction Date: 20070917

Exhibit E

Declaration of Use of Mark in Commerce Under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2619642
REGISTRATION DATE	09/17/2002
SERIAL NUMBER	76078278
MARK SECTION	
MARK	TRIDENT (stylized and/or with design)
OWNER SECTION (current)	
NAME	Select Export Corp.
STREET	7395 Pioneer Road
CITY	West Palm Beach
STATE	Florida
ZIP/POSTAL CODE	33413
COUNTRY	United States
ATTORNEY SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\760\782\76078278\xml4\S080002.JP G
SPECIMEN DESCRIPTION	the box for a computer stand specifically designed for holding computer equipment
INTERNATIONAL CLASS	016
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\760\782\76078278\xml4\S080003.JP G
SPECIMEN DESCRIPTION	the box containing technical pens
INTERNATIONAL CLASS	020
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT14\760\782\76078278\xml4\S080004.JP G
SPECIMEN DESCRIPTION	the label for the box containing the wooden stools
PAYMENT SECTION	
NUMBER OF CLASSES	3
NUMBER OF CLASSES PAID	3
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300
SIGNATURE SECTION	
SIGNATURE	/Herbert E. Moebius/
SIGNATORY'S NAME	Herbert E. Moebius
SIGNATORY'S POSITION	Herbert Moebius, Owner
DATE SIGNED	09/24/2007
PAYMENT METHOD	CC

FILING INFORMATION	
SUBMIT DATE	Mon Sep 24 22:11:24 EDT 2007
TEAS STAMP	USPTO/SECT08-75.92.109.18 0-20070924221124792634-26 19642-400eed128dc3749f65c d48766277a4e3e3-CC-15190- 20070924134345561853

From: [redacted]
To: [redacted]

Declaration of Use of Mark in Commerce Under Section 8

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2619642

REGISTRATION DATE: 09/17/2002

MARK: TRIDENT (stylized and/or with design)

The owner, Select Export Corp., having an address of 7395 Pioneer Road, West Palm Beach, Florida, United States 33413, is filing a Declaration of Use of Mark in Commerce Under Section 8.

For International Class 009, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) the box for a computer stand specifically designed for holding computer equipment.

Specimen File1

For International Class 016, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) the box containing technical pens.

Specimen File1

For International Class 020, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) the label for the box containing the wooden stools.

Specimen File1

The registrant hereby appoints Cheryl Meide, Esquire of MEIDE LAW FIRM PA, CORNERS AT DEERWOOD, 7545 CENTURION PARKWAY, SUITE 201, JACKSONVILLE, Florida United States 32256 to file this Declaration of Use of Mark in Commerce Under Section 8 on behalf of the registrant. The attorney docket/reference number is SEC.0101.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 3 class(es), plus any additional grace period fee, if necessary.

Declaration

Unless the owner has specifically claimed excusable non-use, the owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Herbert E. Moebius/ Date: 09/24/2007

Signatory's Name: Herbert E. Moebius

Signatory's Position: Herbert Moebius, Owner

Mailing Address:

MEIDE LAW FIRM PA
CORNERS AT DEERWOOD
JACKSONVILLE, Florida 32256

Serial Number: 76078278

Internet Transmission Date: Mon Sep 24 22:11:24 EDT 2007

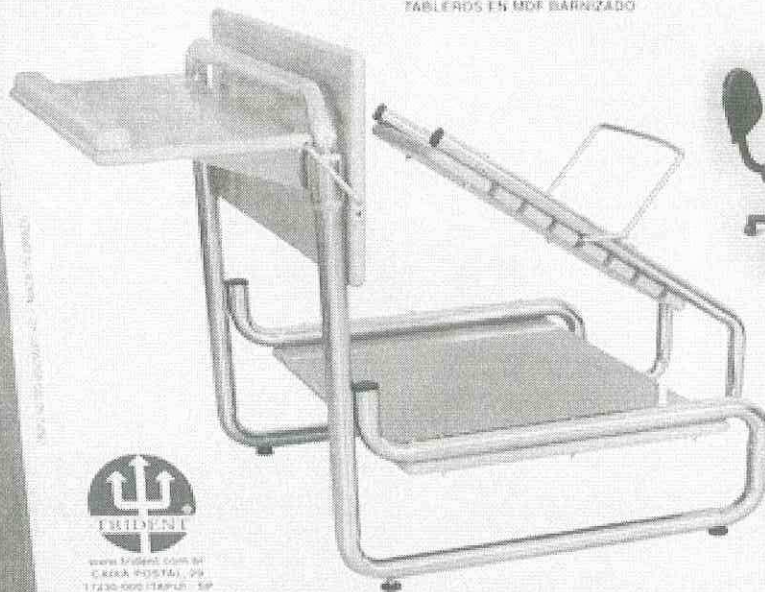
TEAS Stamp: USPTO/SECT08-75.92.109.180-2007092422112

4792634-2619642-400eed128dc3749f65cd4876

6277a4e3e3-CC-15190-20070924134345561853

RACK TUBULAR ESCOLAR

TABELOS EM MDF ENVERNIZADO
TABLETS IN MDF BARNIZED

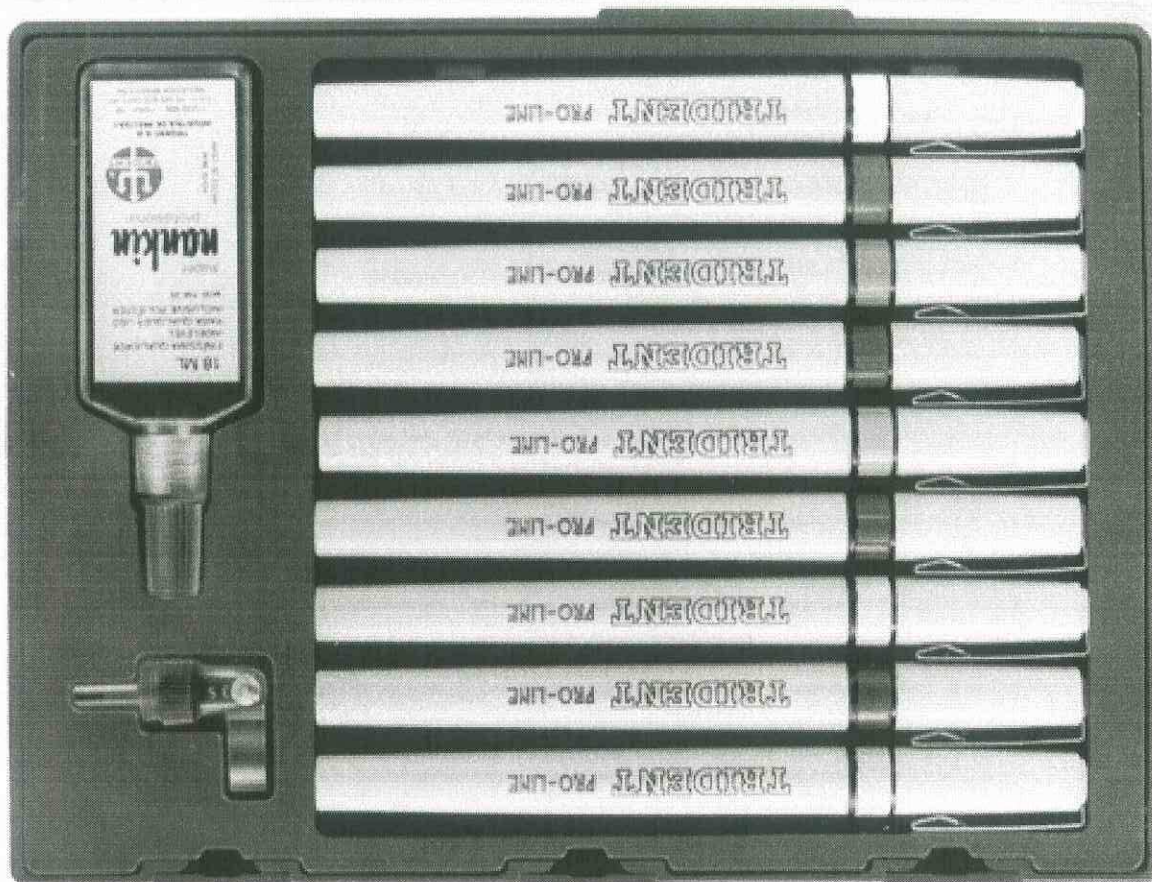


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TRITUB-R4
CROMADO

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17430-000 ITAPUÁ - SP



TRIDENT PRO-LINE



'FUERTE'

Deluxe Stool - Mahogany Wood

Palm Beach, FL

800-TRIDENT

www.tridentart.com

Crafted in beautifully finished solid Mahogany Wood. Fine furniture finish. Allen wrench screws. (Allen wrench included). Screws on top and side of top for extra strength. This stool is the best in it's class. If screws tightened properly, this wooden stool will last you a lifetime.

*Everlasting
30" Tall*



Model 750030

- * Stool height: 30"
- * Finished solid Mahogany Wood
- * Very strong
- * Shipping weight: 10 lbs.
- * Inside Meas. 29.5" - 13.2" - 2.2"
- * Box size 30.7" - 13.6" - 2.6"
- * Ships UPS
- * Assembly Required



100 AMAZON
REFOREST WORLD



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Select Export Corp.

"PLANT A TREE IN EVERY FOREST PROJECT"

ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 2619642**Serial Number:** 76078278**RAM Sale Number:** 15190**RAM Accounting Date:** 20070925**Total Fees:** \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20070924	\$100	3	3	\$300

Physical Location: 40S - SCANNING ON DEMAND

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): False

Transaction Date: 20070924